

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

LYNN PHIPPS,

Plaintiff, : Case No. 3:08-cv-365  
- vs - : District Judge Thomas M. Rose  
COMMISSIONER OF SOCIAL : Magistrate Judge Michael R. Merz  
SECURITY, :  
: Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #13), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that the Commissioner's decision that Plaintiff is not disabled is REVERSED. This matter is remanded to the Commissioner for any further administrative proceeding necessary for a determination of whether Plaintiff is disabled.

October 27, 2009.

**\*S/THOMAS M. ROSE**

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Thomas M. Rose  
United States District Judge